

VERMONT LAW SCHOOL



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October 8, 2010



Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
Washington, D.C. 20423-0001

Re: *Northern Plains Resources Council's and Mark Fix's Petition to Reopen the Record and Request that the Board Prepare a Supplemental Environmental Impact Statement and Reconsider Its Final Decision Approving the Tongue River Railroad in Light of Substantial Changes in Circumstances and New Evidence that Materially Affect the Board's Prior Determination of Public Convenience and Necessity*

STB Finance Docket No. 30186

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Dear Administration Chief,

Enclosed please find for filing:

- *Petitioners Northern Plains Resource Council and Mark Fix's Request for Oral Argument with accompanying Certificate of Service (1 original, 10 copies).*

Please contact our office with any questions. Thank you for your assistance in this matter.

Sincerely,

Patrick Parenteau, Esq.
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Vermont Law School
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Office of Proceedings

OCT 12 2010

Part of
Public Record

enclosures
cc: TRRC Counsel

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

STB Finance Docket No. 30186 (Sub-No. 3)¹



**TONGUE RIVER RAILROAD COMPANY, INC.
CONSTRUCTION AND OPERATION – WESTERN ALIGNMENT**

**PETITIONERS NORTHERN PLAINS RESOURCE COUNCIL AND MARK
FIX'S REQUEST FOR ORAL ARGUMENT**

Pursuant to 49 C.F.R. § 1116.1, by and through counsel Environmental and Natural Resources Law Clinic, Petitioners Northern Plains Resource Council and Mark Fix respectfully submit this Request for Oral Argument in the above-captioned matter. Counsel believes that oral argument maybe helpful to the Board because the pleadings reveal material disputes over the state of the record, how previous rulings by the Board should be interpreted, and what the controlling legal standards are for supplementing the EIS. Oral argument would assist the Board in sorting through these conflicting claims.

DATED: October 8, 2010
South Royalton, VT

Respectfully submitted,

Patrick Parenteau, Esq.
Jack Tuholske, Esq.
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¹ This decision, and consequently this Request, also embraces *Tongue River R.R.—Rail Construction and Operation—In Custer, Powder River and Rosebud Counties, MT*, STB Finance Docket No. 30186 (Service Date May 9, 1986), and *Tongue River R.R. Company—Rail Construction and Operation—Ashland to Decker, MT*, STB Finance Docket No 30186 (Sub-No. 2) (Service Date Dec. 1, 1997).

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

**TONGUE RIVER RAILROAD
COMPANY, INC.
CONSTRUCTION AND OPERATION
WESTERN ALIGNMENT**

STB FINANCE DOCKET NO. 30186



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 8, 2010 a copy of *Petitioners Northern Plains Resources Council and Mark Fix's Request for Oral Argument*, on behalf of *Petitioners Northern Plains Resources Council and Mark Fix* were served via United States Postal Service first-class mail, with adequate prepaid postage to counsel for Tongue River Railroad Company, Inc. as follows:

Betty Jo Christian
David H. Coburn
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036

SIGNED and DATED at South Royalton, Vermont this 8th day of October, 2010.

ENVIRONMENTAL AND NATURAL
RESOURCES LAW CLINIC

By: _____

Patrick Parenteau

Patrick Parenteau, Esq.

Jack Tuholske, Esq.

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Counsel for Petitioners